

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

In re: Southern Heritage Home	*	Chapter 7
Improvement, LLC,	*	Case no.: 24-30237 AEC
Defendant.	*	Judge Carter

**MOTION FOR RECONSIDERATION OF
ORDER GRANTING MOTION FOR
RULE 2004 EXAMINATION [DOCKET # 24]
AND REQUEST FOR HEARING
(IF NOT GRANTED)**

COMES NOW debtor Southern Heritage Home Improvement, LLC, by undersigned counsel, who files the within motion for reconsideration with regard to the order of court entered on August 12, 2024, allowing collection case plaintiff American Zurich Insurance Company to require Debtor's member to travel outside of the Middle District of Georgia into Atlanta or greater Atlanta for a Rule 2004 examination.

In support of this motion, Movant shows the following:

1. The underlying collection case involving American Zurich Insurance Company was pending for some years in state court and not once did the plaintiff there seek to take a deposition in the case.
2. Plaintiff has now willfully and without obtaining relief from the automatic stay *removed* the collection case to the United States District Court for the Middle District Court in a clear violation of 11 U.S.C. §362 (a) (1).
3. The court has previously ordered on August 8, 2024 [docket # 22] that also under Fed. R. Bankr. P. 2004, entities including the debtor shall be required by a request by the duly-appointed trustee in this liquidation case, to furnish records and documents and other things which the trustee may lawfully seek in performing his role as trustee.

4. Allowing American Zurich Insurance Company to continue the collection case against the debtor and others by use of the Order Granting Motion for 2004 Examination [Docket # 24], entered by the clerk on August 12, 2024, in this case, among other things seems to be unconscionable and unreasonable under the facts of this case and the terms stated in the order as entered.

WHEREFORE, debtor Southern Heritage Home Improvement, LLC, prays that this motion be granted and the Order Granting Motion for 2004 Examination [Docket # 24], entered on August 12, 2024, in this case be vacated pending further order of this court.

This 26 th day of August, 2024.

/s/ Barry Gordon Irwin

Barry Gordon Irwin
Attorney for Debtor
Georgia Mandatory Bar No. 384667

P.O. Box 1861
Athens, GA 30603-1861
706.548-9500

bkcynotices@yahoo.com